

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**WILLIAM C. BALDWIN, SR.,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 4:05CV28-P-A**

**UNITED PARCEL SERVICE, INC.,**

**DEFENDANT.**

**FINAL JUDGMENT**

This matter comes before the court upon Defendant's Motion to Dismiss [4-1] pursuant to Fed. R. Civ. P. 12(b)(6). Upon due consideration of the motion – no response having been filed some eight months after the response deadline – the court finds as follows, to-wit:

For the reasons correctly set forth by the defendant in its brief, which the court adopts and incorporates herein, the motion to dismiss should be granted. The plaintiff concedes in his Complaint that he has neither filed a charge before the EEOC nor obtained a right to sue letter as required by Title VII to proceed with his Title VII race discrimination claim. As such, "it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief," thereby rendering dismissal under Rule 12(b)(6) appropriate. *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957).

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

- (1) Defendant's Motion to Dismiss [4-1] is **GRANTED**; therefore,
- (2) All of the plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**; and
- (3) This case is **CLOSED**.

**SO ORDERED** this the 27<sup>th</sup> day of December, A.D., 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE